



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2105869

Applicant Name: Credell Green

Address of Proposal: 9035 46<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: Lot 1) 8,300 square feet and Lot 2) 8,871 square feet.

The following approvals are required:

Short Subdivision - to divide one parcels of land into two parcels.  
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading,  
or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

This approximately 17,280 square foot vacant lot is located in a Single-Family Residential 5000 (SF5000) zone between 46<sup>th</sup> Avenue South and Renton Avenue South. The site has

approximately 80 lineal feet of frontage on 46<sup>th</sup> Avenue South, which is a two-lane paved street without sidewalks. The western side of the property has a steep slope that drops down to Renton Avenue South.

### Area Development

Zoning and development in the vicinity of the proposal site is single-family residential. The Single-Family Residential (SF 5000) zone extends in each direction around the proposal site.

### Proposal Description

The applicant proposes to short subdivide one parcel into two parcels of land in an environmentally critical area. Proposed parcel sizes are: Lot 1) 8,300 square feet with 2,100 square feet of ECA area and Lot 2) 8,871 square with 3,858 square feet of ECA area.

### Public Comments

The comment period ended on February 20, 2002 and no comments were received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

#### *1. Conformance to the applicable Land Use Code provisions;*

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone. Parcels A and Parcel B meet the required minimum lot area of the SF 5000 zone. The lot configurations provide adequate buildable area to meet applicable, yards, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

Land use policies for the single-family residential 5000 (SF 5000) zone state that the zones are designed to preserve the character of single-family residential areas and discourage the demolition of single-family residences and displacement of residences. This proposal will create two lots in a single-family residential zone and no demolition of single-family residences is proposed. Therefore, this proposal is consistent with applicable land use policies.

#### *2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Each of the proposed parcels will have adequate access for vehicles, utilities, and fire protection via frontage on 46<sup>th</sup> Avenue South. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access. All private utilities are available in this area. Seattle City Light provides electrical service to the subject property. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extensions.

There is an 8-inch public sanitary sewer (PSS) located in 46<sup>th</sup> Avenue South. There is also an 8-inch PSS located on the far side of Renton Avenue South.

There is a 10-inch public storm drain (PSD) located in Renton Avenue South. This mainline discharge to a Designated Receiving Water. Plan review requirements will be made at the time of building permit application. If the project is greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.805.015D and 22.802.020 will be required.

Seattle Public Utilities issued a Water Availability Certificate Number 02-0071 on January 30, 2002. All conditions on the Water Availability Certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant SF 5000 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

Section 25.09.240A, states that all new lots shall contain at least one (1) new building site and access to the site that is outside of the identified steep slope ECAs to minimize negative impacts to the steep slope. In addition, covenants shall be recorded with the short subdivision that restricts development to the areas specified on the approved site plan. For this proposal, the steep slopes have been identified and development will occur outside of these designated areas.

6. *Is designed to maximize the retention of existing trees;*

All trees six (6) inches or greater in diameter, measured four and one-half (4.5) feet above the ground is subject to regulation (SMC 25.11). There are no trees on site that meet the requirements to be regulated under this criterion.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **ANALYSIS - SEPA**

The proposal site is located in a landslide-prone critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 7, 2002. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Design Construction and Land Use has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) increased vibration and noise from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

#### Earth

This site is located within the Potential Slide Environmentally Critical Area (ECA's) as mapped and designated by the City of Seattle. In addition, a steep slope ECA was identified along the western property line. The ECA ordinance requires submission of a geotechnical/soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions, or when the Director determines that additional soils analysis is appropriate. Pursuant to this requirement, a geotechnical report prepared in accordance with Director's Rule 3-93 shall be required by DCLU for all future building permit applications. The report shall evaluate the general surface and subsurface conditions and provide recommendations concerning site preparation, structure foundation, and fill. The recommendations and conclusions of such report shall be adhered to during construction on the site.

#### Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased surface water runoff from greater site coverage by impervious surfaces. Long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface) and the Regulations for Environmentally Critical Areas.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

The owner(s) and/or responsible party(-ies) shall:

#### **Upon Application for Building Permit**

1. Prepare a geotechnical report in accordance with Director's Rule 3-93 and submit for review by DCLU at the time of building permit application.

#### **During Construction**

2. All recommendations and conclusions of the geotechnical report submitted for building permit application shall be adhered to during construction on the site.

### **Conditions – Short Subdivision**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Pursuant to subsection A of SMC 25.09.240, the final short plat must include a covenant that restricts development to the area outside of the ECA Steep Slope Area. The covenant shall be in the form given to the applicant by DCLU.

4. Permanent visible markers along the top of the steep-slope buffer to delineate the buffer no build area must be shown and described on the plat prior to recording. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before recording of this short subdivision.

Signature: (signature on file) Date: March 6, 2003  
Robert Knable, Site Development Planner  
Department of Design, Construction, and Land Use

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